

TITLE 13. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE CALIFORNIA REFORMULATED GASOLINE REGULATIONS INCLUDING REFINEMENTS TO THE PROHIBITIONS OF MTBE AND OTHER OXYGENATES

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider amendments to the California Reformulated Gasoline (CaRFG) Regulations. The proposed amendments would (1) revise the prohibitions of gasoline produced with the use of MTBE or other prohibited oxygenates; (2) revise the schedule for implementation of allowable residual MTBE levels in California gasoline; (3) establish allowable residual levels for total weight percent oxygen supplied by oxygenates other than MTBE and ethanol; (4) add provisions for documentation of the presence or absence of ethanol in CaRFG delivered to retail outlets, and make other changes.

Date	December 12, 2002
Time	9:00 a.m.
Place	California Environmental Protection Agency Air Resources Board Central Valley Auditorium 1001 I Street Sacramento, CA 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m. on Thursday, December 12, 2002, and may continue at 8:30 a.m. on Friday, December 13, 2002. This item may not be considered until Friday, December 13, 2002. Please consult the agenda for the meeting, which will be available at least 10 days before December 12, 2002, and posted on the ARB's website, to determine the day on which this item will be considered.

This facility is accessible to persons with disabilities. If accommodation is needed, please contact ARB's Clerk of the Board at (916) 322-5594, or Telecommunications Device for the Deaf (TDD) (916) 324-9531, or (800) 700-8326 for TDD calls from outside the Sacramento area, by November 27, 2002, to ensure accommodation.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed amendments to sections 2261(b)(3), 2262.6, and 2273, and adoption of 2260(a)(26.5) and 2273.5 of Title 13, California Code of Regulations (CCR).

Background

The ARB administers the Phase 2 CaRFG (CaRFG2) regulations, which have applied to all California gasoline since March 1996. The regulations establish standards for the following eight gasoline properties: sulfur, benzene, olefin, aromatic hydrocarbon, and oxygen contents, the 50 percent distillation temperature, (T50), the 90 percent distillation temperature, (T90), and summertime Reid vapor pressure (RVP).

The CaRFG regulations allow refiners to use a “Predictive Model” to specify alternative formulations. The Predictive Model is a set of mathematical equations that relate emissions rates of exhaust hydrocarbons, oxides of nitrogen (NOx), and potency weighted toxics for four toxic air contaminants (benzene, 1,3-butadiene, formaldehyde, and acetaldehyde) to the values of the eight regulated gasoline properties. An alternative gasoline formulation is acceptable if emissions of hydrocarbons, NOx, and potency-weighted toxics resulting from this formulation are no greater than emissions from gasoline having the specifications set forth in the CaRFG2 standards. Currently, most of the gasoline sold in California complies with the CaRFG2 regulations through the use of the Predictive Model.

Since 1995, most of the state’s gasoline has contained about 11 percent MTBE, which, along with ethanol, is an oxygenate that is used to introduce oxygen into gasoline and to improve octane. The widespread use of MTBE has primarily resulted from two programs mandated by the federal Clean Air Act (CAA) – the federal reformulated gasoline (RFG) program administered directly by the U.S. Environmental Protection Agency (U.S. EPA), and the wintertime oxygenates program which is ultimately administered by ARB. In areas not subject to the federal RFG or the CO wintertime oxygen requirements, the Predictive Model may be used to reduce or eliminate oxygen in California gasoline.

One of the requirements for federal RFG is that it contain at least 2.0 weight % oxygen year-round in on-road vehicles in severe and extreme non-attainment areas for ozone. By the end of 2002, the federal RFG requirements apply in San Diego County, the greater Los Angeles area (Los Angeles, Orange and Ventura Counties, and parts of Riverside and San Bernardino Counties), the greater Sacramento area (Sacramento County and parts of Yolo, Solano, Sutter, Placer, and El Dorado Counties), and the San Joaquin Valley Air Basin. Together, these areas account for about 80 percent of the gasoline sold in California. California has asked U.S. EPA to exercise its authority to waive the minimum oxygen requirement, but in June 2001 the agency denied the state’s request. A lawsuit challenging the denial is currently pending in the U.S. Court of Appeals for the Ninth Circuit.

California’s wintertime oxygenates requirements have resulted from requirements in the federal CAA that states mandate the use of oxygenated gasoline during the winter in most areas that are in nonattainment of the National Ambient Air Quality Standard (NAAQS) for carbon monoxide (CO). The use of oxygen in gasoline reduces emissions of CO from the existing vehicle fleet, and ambient CO concentrations are the highest in the winter. As

ambient CO concentrations have declined in California as a result of its mobile source emissions reduction programs, the ARB has been able to eliminate the winter oxygen requirement in areas where it is no longer necessary for attainment and maintenance of the NAAQS for CO. At present, the ARB requires a wintertime minimum oxygen content of 1.8 wt.% only in Los Angeles, Orange, Riverside, San Bernardino, Ventura, and Imperial counties.

Several years ago, concerns began to increase about adverse environmental impacts from the use of MTBE in the state's gasoline. The main concern with the continued use of MTBE is the potential for contamination of California's groundwater, surface water, and drinking water systems. MTBE is very soluble in water and will transfer to groundwater faster, and will travel farther and more easily than other gasoline constituents when gasoline leaks from underground storage tanks or pipelines.

The California MTBE Public Health and Environmental Protection Act of 1997 directed the University of California (U.C.) to conduct research on the effects of MTBE. The legislation also required the Governor to take appropriate action based on the U.C. findings and information from public hearings conducted on the U.C. report. On March 25, 1999, Governor Davis signed Executive Order D-5-99, in which he found that, on balance, there is a significant risk to the environment from using MTBE in gasoline in California. The Executive Order directed the California Energy Commission (CEC) to issue a timetable for the removal of MTBE from gasoline at the earliest possible date, but not later than December 31, 2002. It also directed the ARB to adopt CaRFG3 regulations that will provide additional flexibility in lowering or removing the oxygen content requirement while maintaining current emissions and air quality benefits and ensuring compliance with the State Implementation Plan (SIP).

At a December 9, 1999, hearing, the Board approved the CaRFG3 regulations consistent with the Governor's directive and the subsequent CEC recommendation that December 31, 2002 was the earliest feasible date for a ban on MTBE. The CaRFG3 regulations prohibited California gasoline produced with MTBE and other specified oxygenates starting December 31, 2002, established CaRFG3 standards applicable the same date, established a CaRFG3 Predictive Model, and made various other changes.

To address the question of trace amounts of MTBE that may be present as contamination, the CaRFG3 regulations establish a three-stage schedule for reducing residual levels of MTBE in CaRFG3 in the distribution system. The regulations require that the concentration of MTBE in distributed CaRFG3 not exceed 0.3 percent by volume beginning December 31, 2002. This level must be reduced to 0.15 percent by volume starting December 31, 2003 and 0.05 percent by volume starting December 31, 2004.

On March 14, 2002, Governor Davis issued Executive Order D-52-02, which directed the ARB to take the necessary actions, by July 31, 2002, to postpone for one year the prohibitions of the use of MTBE and other specified oxygenates in California gasoline, and the related requirements for California Phase 3 reformulated gasoline. The Governor

found that it is not possible to eliminate use of MTBE on January 1, 2003 without significantly risking disruption of the availability of gasoline in California.

In response to Governor Davis's 2002 Executive Order, the Board, at a July 25, 2002 hearing, approved amendments to the CaRFG3 regulations that would postpone by one year the dates approved in December 1999 and adopted June 15, 2000. The MTBE prohibitions approved by the Board on July 25, 2002 are not yet in effect because the rulemaking process has not been completed.

The CaRFG3 regulation amendments approved by the Board in July will ban gasoline produced with the use of MTBE for all California gasoline supplied from production and import facilities starting December 31, 2003. This prohibition is phased in for most deliveries of gasoline to retail outlets occurring after February 13, 2004, and to gasoline throughout the distribution system starting March 31, 2004.

Other amendments necessary to implement the postponement of the MTBE ban were also approved at the July 2002 hearing, including the one-year postponement of the deadlines for reducing residual levels of MTBE in CaRFG3 after the addition of MTBE is banned. The amended regulations will require that the concentration of MTBE in distributed CaRFG3 not exceed 0.3 percent, by volume, beginning December 31, 2003. This level is reduced to 0.15 percent by volume starting December 31, 2004 and 0.05 percent by volume starting December 31, 2005.

The CaRFG3 regulations also impose a conditional ban on the use of any oxygenate other than ethanol as a replacement for MTBE in California gasoline. Under the amendments approved by the Board in July 2002, the ban will be phased in starting December 31, 2003 on the same schedule as the ban on gasoline produced with the use of MTBE. Such oxygenates may not be used to produce California gasoline unless a multimedia evaluation of the use of the oxygenate in California gasoline has been conducted, and the California Environmental Policy Council (CEPC) has determined that its use will not have a significant adverse impact on the public health or the environment. The current CaRFG3 regulations do not set a prohibition level for these oxygenates.

The Proposed Amendments

The intent of the CaRFG3 oxygenate prohibitions is to prohibit the intentional blending of MTBE or other prohibited oxygenates into California gasoline and to control the amount of these prohibited oxygenates present in California gasoline because of contamination or because they are unavoidable byproducts of the production process. When the Board in 1999 approved the implementation schedule for the limits on residual levels of MTBE, it directed the Executive Officer to evaluate the practicality of the specified MTBE residual limits and report back to the Board with a recommendation on whether the limits should be revised. This evaluation is necessary because if MTBE continues to be used outside California in significant quantities, MTBE could find its way into California as a contaminant in imported fuel. Also, MTBE can be formed as a contaminant in various refining and

production facilities.

Data collected by ARB staff suggest that it may require more time than is currently allowed in the regulation to reduce residual MTBE levels to the specified levels – even in an MTBE-free gasoline distribution system. Staff also considered the impact of gasoline produced in California for export to Arizona and Nevada. Eighty percent of Nevada's gasoline and 60 percent of Arizona's is produced in California. Nevada has not banned MTBE and Arizona's MTBE ban does not become effective until 180 days after California's. Therefore, MTBE-containing gasoline may still be produced in California and transported through the California distribution system after California's MTBE ban is implemented.

The staff is proposing an initial residual MTBE level of 0.60 volume percent MTBE, which is the MTBE de minimis level adopted by the ARB in September 1999 for labeling retail pumps dispensing gasoline that is not intentionally blended with MTBE. This level is also the same as the EPA's MTBE de minimis level for identifying RFG not blended with MTBE. This concentration of 0.6 volume percent is sufficiently low to prevent gasoline intentionally blended with MTBE from being labeled as non-MTBE, but it is high enough to allow gasoline blended without MTBE to be shipped within the current gasoline distribution system during the first six months of the phase-out.

The staff is also proposing delays in the implementation dates for the other phased residual limits to allow sufficient time for the residual levels of MTBE to decline without interfering with the supply and availability of gasoline in California. The additional time would also allow staff time to collect more data on residual MTBE levels in California gasoline. Staff can then determine whether the proposed levels and timetable are practical and propose changes if necessary.

Staff is also proposing allowable residual levels for oxygenates other than MTBE or ethanol to improve the enforceability of the regulation and allow the differentiation between commonly occurring trace contaminants and deliberately added oxygenates.

The staff is proposing amendments to the CaRFG3 regulations that would improve the enforceability of the regulations and also respond to the Board's directive to evaluate the practicality of the current limits on residual levels of MTBE and other prohibited oxygenates in California gasoline.

Revising the prohibitions of gasoline “produced with the use of” MTBE or other oxygenates other than ethanol. The proposed amendments would refine the prohibitions to remove the ambiguities that make the prohibitions difficult to administer, and that could under some circumstances exclude imported blendstocks that contain MTBE and other prohibited oxygenates that are incidentally acquired through the production process or during transport.

Under the staff proposal, a California refiner would be prohibited at the refinery from adding MTBE in neat form either to gasoline or blendstocks used to produce gasoline at

the refinery. The refiner would also be prohibited from using any gasoline blendstock that contains more than 0.6 volume percent MTBE when it is supplied to the refinery. Imported California gasoline would only be subject to the allowable residual MTBE levels of the CaRFG3 regulations. Application of the allowable residual levels on MTBE in imported gasoline should be sufficient to prohibit unacceptable MTBE levels while avoiding undue constraints in gasoline imports during potential supply shortages.

The proposed amendments to the prohibitions on gasoline "produced with the use of" any oxygenate other than ethanol or MTBE parallel those proposed for MTBE. They would prohibit the addition of any oxygenate, other than ethanol or MTBE, in neat form to the California gasoline or to a blending component used to produce gasoline at the refinery. They would also prohibit the use of a blending component that contained greater than 0.1 weight percent total oxygen from oxygenates other than ethanol or MTBE when it was supplied to the California production facility. Imported California gasoline would only be subject to the total oxygen weight percent limits proposed in this rulemaking, because of the difficulties in monitoring the gasoline that was imported gasoline has been produced at some out-of-state location.

Revisions to the schedule for implementation of allowable residual levels of MTBE.

The proposed amendments would require that MTBE residual levels be reduced in four steps instead of the three steps currently required by the regulations. During the first six months after the MTBE phase-out – starting December 31, 2003 – California gasoline could not contain more than 0.60 volume percent MTBE. Starting July 1, 2004, gasoline would be prohibited from containing more than 0.30 volume percent MTBE and eighteen months later, starting December 31, 2005, gasoline would be prohibited from containing more than 0.15 volume percent. The residual MTBE limit would be further reduced to 0.05 volume percent starting July 1, 2007. Staff will continue to evaluate the practicality of the later limits.

Establishment of allowable residual levels for oxygenates other than MTBE and ethanol. The amendments would add a schedule for specifications for total oxygen content in gasoline from oxygenates other than MTBE and ethanol. During the first six months after the MTBE phase-out, starting December 31, 2003, the combined oxygen concentration due to these prohibited oxygenates could not exceed 0.10 percent by weight. This limit of 0.10 weight percent is the oxygen level equivalent to the proposed residual limit of 0.60 volume percent for MTBE during that period. The final prohibition level of 0.06 weight percent would apply starting July 1, 2004. These proposed amendments will significantly improve the enforceability of the restrictions on oxygenates both in gasoline produced in the state and imported gasoline. The prohibitions would apply unless a multimedia evaluation of the use of the oxygenate in California gasoline has been conducted, and the CEPC has determined that such use will not cause a significant adverse impact on public health or the environment.

Documentation of the presence or absence of ethanol in CaRFG delivered to retail outlets. The proposed amendments would require any person delivering gasoline to a

retail outlet to provide to the outlet operator or responsible employee, at the time of delivery of the fuel, an invoice, bill of lading, shipping paper, or other documentation which states whether the gasoline does or does not contain ethanol, and which may identify the volumetric amount of ethanol.

Other amendments. Staff is proposing additional amendments to ensure that the regulations work effectively. One amendment would sunset the requirement for documentation of the presence of MTBE in the gasoline delivered to retail outlets after December 30, 2003. Another amendment would replace the recently added provision regarding oxygenates in early opt-in CaRFG3 with a requirement that early opt-in CaRFG3 meet limits of 0.60 volume percent for MTBE and 0.10 weight percent oxygen collectively from the specified oxygenates other than MTBE or ethanol when it is supplied from the production or import facility. This will provide specific standards that can be monitored by refiners and importers and be readily enforced by ARB inspectors.

COMPARABLE FEDERAL REGULATIONS

As noted above, the U.S. EPA administers the federal RFG regulations, which by the end of 2002 will apply to about 80 percent of California's gasoline and are contained in 40 CFR §§ 80.40 and following. The federal RFG regulations do not prohibit the use of MTBE.

The U.S. EPA has published de minimis levels for oxygenates that are not intended by the producer to be blended into the reformulated gasoline, but are present as a result of operational necessity. The de minimis levels are specified in the U.S. EPA document, "RFG Questions and Answers, May 9, 1995," which provides guidance on compliance with the Agency's RFG regulations. For purposes of meeting the applicable oxygen requirements for a final gasoline blend, U.S. EPA will not consider the introduction of an oxygenate intentional if the amount of the oxygenate is not more than 0.4 volume percent for ethanol, or 0.6 volume percent for MTBE, ETBE, TAME or t-butanol, or 0.2 volume percent for methanol.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

The ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the environmental and economic impacts of the proposal and supporting technical documentation. The report is entitled "Proposed Amendments to the California Reformulated Gasoline Regulations to Amend the Prohibitions for MTBE and Other Oxygenates."

Copies of the Staff Report and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on the ARB's web site listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Environmental Services Center, First Floor, Sacramento, CA 95814, (916) 322-2990 at least 45 days prior to the scheduled hearing (December 12, 2002).

Upon its completion, the Final Statement of Reasons (FSOR) will also be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the ARB's web site listed below.

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons, Mr. Steven Brisby, Manager, Fuels Section, (916) 322-6019, or Mr. Dean C. Simeroth, Chief, Criteria Pollutants Branch, Stationary Source Division, at (916) 322-6020.

Further, the agency representative and designated back-up contact persons to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-6070, or Amy Whiting, Regulations Coordinator, (916) 322-6533. The Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

If you are a person with a disability and desire to obtain this document in an alternative format, please contact the Air Resources Board ADA Coordinator at (916) 323-4916, or TDD (916) 324-9531, or (800) 700-8326 for TDD calls outside the Sacramento area.

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, will be available on the ARB Internet site for this rulemaking at <http://www.arb.ca.gov/regact/mtberesid/mtberesid.htm>.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies, private persons and businesses in reasonable compliance with the proposed regulations are presented below.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts on representative private persons or businesses. The Executive Officer has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts of private persons and businesses. As discussed below, the Executive Officer has determined that the proposed regulatory action will not have a significant cost impact on directly affected persons or businesses. A detailed assessment of the economic impacts of the proposed amendments can be found in the Staff Report.

The proposed amendments are generally designed to ensure effective enforcement of the oxygenate provisions of the CaRFG3 regulations while reducing undue constraints on the gasoline distribution system during implementation of the MTBE phase-out. They do not fundamentally alter the regulations and should not result in cost increases.

The proposed changes to the oxygenate prohibition provisions will provide clearly enforceable criteria for determining the acceptability of blendstocks and California gasoline. The proposed changes may provide an economic benefit as they would remove ambiguities that could have unnecessarily limited a refiner's access to imported blendstocks that contain small quantities of prohibited oxygenates that have been incidentally acquired through the production process or during transport and storage.

The proposed revisions to the schedule for implementation of allowable residual MTBE levels in California gasoline will not have a significant negative economic impact. The proposed changes could provide an economic benefit by allowing more time to flush the distribution and marketing system and reduce the levels of residual MTBE without the need for extraordinary efforts. The proposed amendments will also provide additional time to determine whether the allowable residual limits for MTBE are practical. Delaying the implementation of limits that may be impractical could benefit California consumers by preventing interruptions in the supply and availability of gasoline.

The proposed amendments establishing allowable residual levels for oxygenates other than ethanol and MTBE, will improve the enforceability of the regulation and allow the Board to delete the current requirements regarding imported gasoline produced with the use of prohibited oxygenates. Also, the removal of uncertainty regarding the status of a blendstock or gasoline could increase the efficiency of the refining process.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. An assessment of the economic impacts of the proposed regulatory action can be found in the Staff Report (ISOR).

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action will affect small businesses. The proposed amendments to the CaRFG3 regulations are designed to assure the practical and effective implementation of the CaRFG3 prohibitions on the use of MTBE and other oxygenates other than ethanol in California gasoline. No negative economic impacts on small businesses are expected.

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the ARB's Executive Officer has found that the reporting requirements of the CaRFG regulations which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

With regard to costs or savings necessarily incurred in reasonable compliance with the proposed amendments to the CaRFG regulations, the Executive Officer has determined that the proposed regulatory action will not create costs or savings, as defined in Government Code section 11346.5(a)(6), to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable

by the state pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, or other nondiscretionary savings to local agencies.

Before taking final action on the proposed regulatory action, the Board must determine that no alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions not physically submitted at the hearing must be received **no later than 12:00 noon, December 11, 2002**, and addressed to the following:

Postal mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 I Street, 23rd Floor
Sacramento, California 95814

Electronic mail is to be sent to: mtberesid@listserv.arb.ca.gov and received at the ARB **no later than 12:00 noon, December 11, 2002**.

Facsimile transmissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB **no later than 12:00 noon, December 11, 2002**.

The Board requests but does not require that 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The ARB encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under that authority granted in sections 39600, 39601, 43013, 43013.1, 43018, and 43101, Health and Safety Code, and *Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). This regulatory action is proposed to implement, interpret, and make specific sections 39000, 39001, 39002, 39003, 39010, 39500, 39515, 39516, 41511, 43000, 43013, 43013.1, 43016, 43018, 43101, and 43830.8, Health and Safety Code, and *Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed or with nonsubstantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications, including but not limited to changes to the restrictions during the RVP season on blending gasoline containing ethanol with California gasoline not containing ethanol at retail outlets, if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text with the modifications clearly indicated, will be made available to the public for written comment at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 I Street, Environmental Services Center, 1st Floor, Public Information Office, Sacramento, CA 95814, (916) 322-2990.

CALIFORNIA AIR RESOURCES BOARD

Michael P. Kenny
Executive Officer

Date: October 15, 2002

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs see our Web –site at www.arb.ca.gov.